REMARKS

Claims 1-51 have been rejected. Claims 1-51 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

OBJECTIONS

The specification has been amended as suggested by the Examiner. The claims have been also been renumbered and amended as suggested by the Examiner.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,711,160) in view of Cave et al. (US 6,404,746) and the Admitted Prior Art. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. in view of Cave et al. and the Admitted Prior Art and further in view of Sistanizadeh et al. (US 5,790,548).

Claims 7, 9, 16, 17, 26, 27, 36, 40, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al. (US 2002/0071424 A1) in view of Cave et al. Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chui et al. in view of Cave et al. and further in view of Gardell et al. (US 6,707,797). Claims 10 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chui et al. in view of Cave et al. and further in view of Sistanizadeh et al. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chui et al. in view of Cave et al. and further in view of the Admitted Prior Art. Claims 11-13, 15, 18-20, 22-24, 28-30, 32-35, 41-43, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. in view of Cave et al. Claims 14, 21, 25, 31, 44, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. in view of Cave et al. and further in view of Sistanizadeh et al.

All of the rejections are respectfully traversed.

Claim 1 specifies a Wide Band (WB) telephone adapted to convert sound into sound signals that capture a bandwidth of the sound; an encoder coupled to receive the sound signals and to encode them as voice data bits; a packetizer for packetizing groups of the voice data bits into intermediate packets which do not meet a minimum packet switched network protocol; and a modem adapted to establish a first circuit switched connection with the voice gateway, and coupled to transmit the intermediate packets through the first connection.

The Examiner states that Chan discloses an encoder coupled to receive sound signals and to encode them as voice data bits device and a packetizer for packetizing groups of the

Docket No. 2705-136   Page 13 of 15   Application No. 09/832,456

PAGE 15/17 * RCVD AT 12/20/2004 7:23:27 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/5 * DNIS:8729306 * CSID:5032744622 * DURATION (mm-ss):05-20

voice data bits into intermediate packets which do not meet the minimum protocol. The Examiner then says Chan discloses a modem adapted to establish a first circuit switched connection, and coupled to transmit the intermediate packets through the first connection. The Examiner refers to column 4, lines 35-54 and column 6, lines 40-45 in Chan.

There is no suggestion at column 4, lines 35-54, column 6, lines 40-45, or anywhere else in Chan of a packetizer for packetizing groups of the voice data bits into intermediate packets which do not meet the minimum packet switched network protocol and a modem adapted to establish a first circuit switched connection with the voice gateway and coupled to transmit the intermediate packets through the first connection as specified in claim 1.

Column 4, line 48 of Chan specifically states: "A system controller 101 and a network interface card (NIC) 103 together filters and packages data into data packets, adds headers and trailers, including error check bits, for the appropriate communication protocols, for example, TCP/IP. The digitized voice data is then transmitted to the packet network ..."

This is the opposite of what is specified in claim 1. Claim 1 specifies a packetizer for packetizing groups of the voice data bits into intermediate packets which do not meet the minimum packet switched network protocol; and a modem adapted to establish a first circuit switched connection with the voice gateway, and coupled to transmit the intermediate packets through the first connection.

As just quoted from Chan, the system controller 101 (packetizer) in Chan packages data into data packets for the appropriate packet network communication protocols, for example, TCP/IP (i.e., packet switched network protocol). This is opposite to the operation of the packetizer specified in claim 1 that packetizes groups of the voice data bits into intermediate packets which do not meet the minimum packet switched network protocol.

Chan at column 6, lines 40-45 refers to a DSP that operates as a data modem when the network is connected through an analog phone line. If a data modem were used, it would still transmit the data that was previously packetized by the system controller 101 with the packet headers necessary to meet the minimum packet switched network protocol, namely, the TCP/IP protocol.
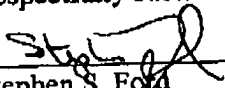
Chan would not work with a wideband telephone as specified in claim 1 because the packetized data in Chan includes the additional overhead of the TCP/Internet Protocol (IP) (TCP/IP) headers that prevent transmitting wideband audio data over a non-wideband circuit switched connection.

Claims 2-51 are patentable for the same or similar reason as claim 1.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-51 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

Stephen S. Ford
Reg. No. 35,139

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613